PRAISE FOR TRIAL IN ACTION

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—Leigh E. Johnson, Certified Specialist in Family Law, American Academy of Matrimonial Lawyers, Association of Certified Family Law Specialists

"The three authors have one foot in the world of psychodrama and one foot in the world of trial practice. This book is the perfect integration of the two, and invaluable to trial attorneys. It is an essential handbook for our office shelves."

—Charles Abourezk, trial attorney, film maker, and author

"If you want to become better at what you love doing, take a chance and read this book. It will revolutionize your life and practice."

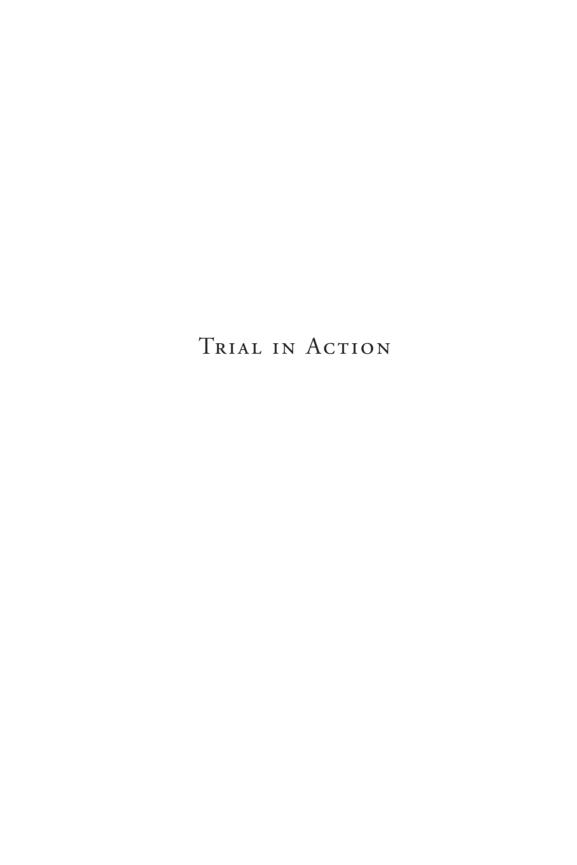
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—Marjorie P. Russell, Professor of Law, Chair of the Litigation Skills Department, Thomas Cooley Law School

"I am so impressed with this book! It takes what I've seen one of the authors do at training seminars and breaks it into easy steps. They've taken what we criminal defense lawyers do, and explained how to get to the true heart of the client and her case. Not only would I buy this book, I'd make it mandatory reading for trial practice students!"

—Tina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia, faculty of the National Criminal Defense College



TRIAL IN ACTION

The Persuasive Power of Psychodrama

By
Joane Garcia-Colson
Fredilyn Sison
Mary Peckham



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To Stefan Colson and Carole Dozier, and to my parents, Joe Garcia and Anne Garcia.

—Joane Garcia-Colson

To my mother, Linda, my sister, Nancy, and my cousin, Danny.

—Fredilyn Sison

To all my teachers.

-Mary Peckham

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And all the lawyers I have met and worked with over the

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Authors' Note

This book is based on various actual cases and psychodrama groups in which the authors have participated. However, except where otherwise expressly stated, the cases and psychodrama groups presented in this book are composites, and the names of all participants, litigants, witnesses, and counsel (other than the authors), and various other identifying details, have been changed. For these reasons, any similarity between the fictionalized names, and other particulars in this book, and real individuals, companies, and cases is strictly coincidental.

Publisher's Note

This book is intended for practicing attorneys. This book does not offer legal or psychological advice and does not take the place of consultation with an attorney or other professional with appropriate expertise and experience.

Attorneys are strongly cautioned to evaluate the information, ideas, and opinions set forth in this book in light of their own research, experience, and judgment, to consult applicable rules, regulations, procedures, cases, and statutes (including those issued after the publication date of this book), and to make independent decisions about whether and how to apply such information, ideas, and opinions to a particular case.

Quotations from cases, pleadings, discovery, and other sources are for illustrative purposes only and may not be suitable for use in litigation in any particular case.

As set forth in the Authors' Note, the cases and psychodrama groups described in this book are composites, and the names and other identifying details of participants, litigants, witnesses, and counsel (other than the authors of this book) have been fictionalized except where otherwise expressly stated by the authors.

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Introduction

Trial lawyering is as much an art as it is a skill. Familiarity with and mastery of many disciplines improves not only your effectiveness in the courtroom, but your satisfaction as a professional and as a human being.

Law school alone does not equip you to be a trial lawyer. Yes, law school teaches you how to think like a lawyer; to read and analyze the law and the myriad legal decisions; and to interpret particular rules, statutes, codes, and regulations. These skills alone, however, do not even begin to prepare you to be a successful. When you leave law school, you may be able to write a legal memorandum and outline a Supreme Court case, but you have learned very little in the way of truly communicating with other human beings. Few law schools offer classes on storytelling, voice and diction, psychology, or group dynamics—all tools a good trial lawyer should be familiar with.

At any point in practice, you need not only to be intelligent with an understanding of the law, but also to be a good storyteller, director, and performer, and most importantly, an empathic, genuine, and real human being. Through your courtroom presentations, your goal is to help your juries hear, see, and feel your clients' stories. To do so, you need special tools to assist you. One method of training that gives you powerful and effective techniques for preparing and presenting your client's case is psychodrama.

Beginning in the mid-1990s and early 2000s, the three of us were exposed to a method of communication called *psychodrama*, which is defined as "the science that explores the truth through dramatic methods." It is a powerful method that not only brings out the humanity of people, but also the universal stories and truths that connect us all.

Why psychodrama? you might ask. Psychodrama is:

... above all a form of drama, an art form. Like all art ... forms, it is a method of communication. It is also a way for one to examine one's life experiences, a profound kind of reflection, so to speak, a way to explore the contents of our inner lives, often making sense out of what initially seemed like nonsense.²

This method has helped countless individuals "clarify their thinking, enabled them to make important life decisions, given them courage and inspiration to continue to struggle with life's problems, and helped them to know themselves in more profound ways."³

Over the last ten to fifteen years, we continued learning, exploring, and understanding this method, and in particular, how trial lawyers could use it to be more effective. We looked at ourselves, explored who we were and could be, and worked with trial lawyers and mental health professionals to develop our skill with the tools of psychodrama. Along the way, we took advanced classes in psychology and spent many hundreds of hours honing our skills and sharing them with others. Ultimately, each of us became Certified Practitioners in Psychodrama (CP) after taking and passing both a written and practical examination given by the American Board of Examiners in Psychodrama, Sociometry

^{1.} Jacob Levy Moreno, MD, *The Essential Moreno, Writings on Psychodrama, Group Method, and Spontaneity,* ed. Jonathan Fox (Springer Publishing Company 1987), 13.

^{2.} John Nolte, PhD, *The Psychodrama Papers*, http://stores.lulu.com/buy/, *Psychodrama and the Dimensions of Experience*, 61.

^{3.} Ibid., 61.

and Group Psychotherapy.⁴ Two of us are working toward our training certification (TEP, Trainer, Educator, and Practitioner) in Psychodrama.

We are not mental health therapists, but rather, skilled psychodramatists (who also happen to be trial lawyers) who use the tools of this method to help trial lawyers and their clients communicate with each other more effectively. We also help trial lawyers learn, understand, and apply the tools of psychodrama to their practices. Specifically we help lawyers prepare and present cases at trial, in mediation, or in arbitration. Over the last twelve years, we have taught these tools to lawyers from across the country and have helped them discover both their own and their clients' stories. Using these tools, they learned to present those stories in 3D—so that the jury hears, sees, and most importantly, feels the story. Each of us has also used these skills and the tools of psychodrama in our own practices.

Perhaps one of the most difficult aspects of our journey was learning the theoretical and practical aspects of psychodrama and the various tools that are part of this method. You can't learn this simply by reading a book. It takes time and a commitment to look at yourself and your own story. In doing so, you can gain enough self-knowledge to help you understand yourself and understand, relate to, and connect with others. This "archaeological dig" is an ongoing process.

Up until this publication, most texts on the subject of psychodrama were geared toward mental health professionals. It would have been helpful to us in our training to have a book that served both as a resource and guide to psychodrama for trial lawyers. We would have liked a manual that clearly defined some of the most commonly used techniques and explained how they apply to the various components of a trial. We have attempted to create that resource with this book. We hope it is helpful to all those who wish to learn more about psychodrama. We hope you

^{4.} For information on the certification process and the requirements for same, please see appendix A.

can learn how to use this method and apply its powerful tools to your practice.

The personal work that you do through psychodrama—that is, understanding yourself—is the most essential building block to prepare yourself to be an effective and successful trial law-yer. This is where we all struggle, both as lawyers and as human beings. Looking at yourself takes courage and is hard work. But in the end, the work will pay big dividends in all areas of your life, personal and professional.

Looking at your own story and discovering not only who you are but *why* you are the way you are is not an intellectual process, nor can you simply follow a formula to gain self-knowledge. The power of psychodrama lies not in the intellect but in emotion, connection, and realization that as human beings we share many universal stories and are not alone. A psychodrama gets people involved emotionally; it moves them and stimulates their desire and need to help the person working through his or her issues (known as the *protagonist*⁵ in psychodrama). It is primal for human beings to have empathy and to want to help others. When you are too intellectual, you lose the power of emotion and empathy. By using psychodrama to first understand yourself, and then others, you can bridge the gap between your emotions and your intellect.

As lawyers, instead of first looking at ourselves to determine if an issue is one that originates with us, we have a tendency to project onto others. That is, we make everything about the other rather than about ourselves. In the trial setting, the "other" would be jurors in *voir dire*. For example, a lawyer with a client of color who is faced with an all-white jury may say to the panel, "I am

^{5. &}quot;The protagonist is the person whose story is being enacted or told. . . . The role of the protagonist is to delve into his or her internal world with the intention of resolving inner conflicts. She [or he] has the responsibility to engage in her [or his] own healing process and the opportunity to share her [or his] story with support, to have it witnessed and become aware of the emotions and thought processes and behaviors that are attached to it." Tian Dayton, PhD, The Living Stage, A Step by Step Guide to Psychodrama, Sociometry and Experiential Group Therapy (Health Communications, Inc., 2005), 13.

afraid that you will hold my client's race against him," rather than admit the bias and prejudice that lives within himself. The lawyer-mind and the fear of rejection get in the way of human connection and conversation.

So what does this lawyer do? Instead of taking the risk to be vulnerable in front of the jury, he skips the personal work he needs to do for insight and empathy and moves into persuasion mode; after all, persuasion is what lawyers do. Without doing the work to understand his own feelings on the issue of race, and starting from that point with the panel, he becomes nothing more than a professional manipulator. Lawyers who manipulate feed right into the stereotype that people have of lawyers, and is one reason people don't trust us. But we can change this. When we speak the truth that comes from our hearts, when we are real, honest, and fully present in the moment, we have great credibility and great power. The fear of being vulnerable, of rejection, is so frightening, however, that it makes it hard for a trial lawyer to take the risk of being real and open. It is far easier to put on a mask and be a "lawyer."

The first step to taking off the mask is psychodrama: experiencing it, connecting with others, and realizing emotionally we are all the same, with similar stories. You must learn that we are all more alike than we are different. When you step into the role of the protagonist, you gain a better understanding of your own story. It is an eye-opening experience that hastens your journey to becoming a more credible, honest, and empathetic human being.

Most lawyers who experience psychodrama for the first time stop looking at themselves after being a protagonist only once. Unfortunately, there are many others who never step into the protagonist role. It scares them. Looking at ourselves is often painful. A lot of lawyers cannot or do not see how examining and understanding their own stories can help them communicate more effectively and exhibit greater credibility in the courtroom. Sadly, they are fated to wear the lawyer mask.

The best way to learn your own story, about who you are and why you are the way you are, can and often does come from being in the protagonist role in a psychodrama. The more you look at yourself, the easier it becomes to be who you are and to take the risk of being vulnerable in front of a group of people. In short, you become comfortable in your own skin, and you gain confidence and credibility. It helps you become your most authentic self. That is where you have great power, when you open up to your full potential.

But if you do not do this personal work, you stay stuck and let your internal stories (or meta-narratives) control you. And you are usually not even aware it is happening. Daniel Goleman calls this *emotional hijacking*.⁶ If you do not look at yourself and your own story or feelings about the issues in a case, when those issues come up at trial you will not be able to respond in the moment, honestly, and openly. Instead, you will most likely fall back into the cross-examination or manipulation mode—fight or flight. When this happens, you often alienate jurors. Instead, when you work on and look at your own issues, you will be able to use that awareness to help you connect with others because you recognize the trigger, the present event that makes you react as you would have in the past rather than staying in the here and now and responding authentically. Recognizing these triggers enables you to work with, rather than be controlled by, them.

Our life stories, the messages we learned as children, continue to run in our minds, often unconsciously, throughout our lives. What psychodrama does is make you conscious of these messages and stories. When you become conscious of them, they no longer control you. At the very least, you are able to make different choices about how you act and react to the triggers that set off the narrative from your past. The ultimate goal is to respond versus react. This consciousness is a valuable tool.

It is difficult, if not impossible, to intellectualize the personal experience of psychodrama. You cannot gain the understanding of the self through intellectual analysis. There is no shortcut to knowing your own story, who you are, and why you are the way you are. It is hard work that continues throughout your life.

^{6.} Daniel Goleman, Emotional Intelligence (Bantam Books, 1995).

Lawyers have a need for formula, for a "road map" or a "bag of tricks." There is no script nor is there a formula for honesty, realness, authenticity, or genuineness. Those are the qualities you must bring to the jury as a successful trial lawyer.

In many ways, the role of the trial lawyer in the courtroom is like that of the director of a psychodrama; the director is the guide and the helper in getting and telling the protagonist's story. Both lawyer and director are facilitating the telling of the client's story to a group of human beings. The client is the protagonist and the jury is the group. You have to have done enough of your own work, be familiar with enough of your own story, so that you can intuitively understand where the protagonist (in a legal case, the client) needs to go to tell his or her story. You have to have an understanding of the emotions that flow from the events or various scenes in the story. You have to be able to step outside of yourself and be fully present and available, listening on a deep level to the protagonist. This is extremely difficult to do if you have not done your own work. If you don't know yourself, it is easy for your own story to get in the way and prevent you from first, fully understanding your client's story, and second, from effectively communicating it to the group that will decide your client's fate.

Everyone, especially jurors, wants honesty from a credible source. No one wants to be manipulated. Jurors are intuitive: they can ferret out the phony lawyer and kill him with a verdict against his client. Jurors want an honest, credible leader to guide them, not a slick, manipulative lawyer. After doing your own work, and participating in or witnessing others' personal work, you will start to see the patterns and universal stories we all share. You then have more ability to be yourself with the jury, help them form a group, and help them reframe their own stories. They can become your allies in your search for justice for your clients.

This book begins with an overview of psychodrama, its origins, and the history of how trial lawyers have used it. A description of a traditional psychodrama session is included to help you understand the power of this method and its therapeutic impact on those who participate in such sessions.

The next section of the book turns to a description and explanation of several specific tools and techniques of the psychodramatic method that trial lawyers use most often. The book discusses several in detail and gives specific examples to demonstrate how you can use them to not only find and explore the story of a client's case, but also prepare for trial. The goal of this section is to provide you with the foundation necessary to apply psychodramatic tools in your practice as a trial lawyer. Until you understand the tools and get an idea and sense of how you can use them, it will be difficult for you to apply them.

Finally, the last portion of the book shows you how to apply these tools to each portion of a trial, from jury selection to closing argument. While we wrote the trial skills section for you to read in its entirety, you can read each chapter alone, so when you are preparing for trial and need to brush up on a particular trial skill, you can read just that section by itself.

THE ORDER OF THIS BOOK

The skills section of the book does not follow the traditional order of presentation at trial. After a chapter on the fundamentals of storytelling, we follow next with opening statement. We have found that after you use the tools of psychodrama to explore and reenact various scenes of your client's story, that is a great time to begin to work on your opening statement. Similarly, direct and cross-examination are two other portions of the trial where you will tell your client's story. Consequently, we address these trial skills before discussing *voir direl* jury selection.

Although you will begin identifying issues you need to address in *voir dire* from the moment you begin working on a case, once you find and explore your client's story, your own feelings will be stimulated. These feelings will likely alert you to additional issues that gnaw at and disturb you about the case. This book emphasizes using the psychodramatic method to explore and prepare your case, and then turns to presenting the story at trial. Because of this, we address *voir direl* jury selection after those portions

of trial that more directly involve presenting your client's story. Finally, we conclude the trial skills portion with a discussion of closing argument.

We hope this book helps you on your journey to be your most authentic self and a more effective and successful advocate on behalf of your clients.

THE TRADITIONAL PSYCHODRAMA SESSION¹

Psychodrama is a group method and can be done with a group of any size. The size of a typical psychodrama group varies from practitioner to practitioner. A psychodrama session can be conducted anywhere, in any space that is large enough to accommodate the group and provides ample space for movement. Psychodrama is an action method during which participants show a group what happened rather than tell what happened.

^{1.} Although the idea of connecting with jurors and becoming a more effective storyteller is appealing, the thought of participating in a traditional psychodrama session may not be. For those of you uncertain about this very important first step, please consider attending a psychodrama session without the intention of being a protagonist. Just by being a member of the group, you will gain many insights about yourself while learning psychodramatic techniques. But this will only happen if you bring an open mind (and heart) to the process. For many reluctant or skeptical lawyers, it takes several sessions to grasp the importance of psychodrama. As Woody Allen said, "Eighty percent of success is showing up." When you add active participation, that is, becoming a protagonist, whether from the very beginning or after numerous sessions, you will get the remaining twenty.

"Psychodrama uses action and role play as a means to study behavior in its concrete form." 2

The psychodramatic method requires five elements:

- 1. The stage.
- 2. The protagonist.
- 3. The audience or group.
- 4. The auxiliaries.
- 5. The director.

The director runs the session and directs or facilitates the exploration of aspects of the protagonist's life. The protagonist, or star, is the subject of the psychodrama. During the exploration, either the protagonist or the director recruits members of the to play the roles of significant others in the dramatization. Group members who take on these roles are called auxiliary egos or auxiliaries. The balance of the group serves as the audience, or witnesses to the protagonist's enactment. The group, however, is not an audience as in a theatrical production. All members of the group, including those who simply witness a session, are expected to be empathetic and relate experiences from their own life to the protagonist and the issue she presents.

In a traditional psychodrama session, a protagonist works on various issues in her life, such as: relationship with spouse, parent, or child; childhood trauma; work issues; lack of self-worth or self-esteem; or fears. Often, the protagonist explores her relationships to others, including herself, and the problems she encounters in those relationships. There is no limit to the issues that can be explored on the psychodrama stage.

No matter the issue, this exploration is generally conducted using dramatic methods. Psychodrama is more like improvisational theater than scripted drama. It is a spontaneous acting out of scenes from the protagonist's life, in the moment, the here and

^{2.} Dayton, The Living Stage, 3 (see Introduction, n. 5).

now. Psychodrama uses a great deal of physical interaction and role-play.

During the session, the director may have the protagonist act out a scene as it occurred, thereby enabling the protagonist to reconnect with or access the feelings she experienced during the original event in the safety of the here and now. Alternatively, the director may ask the protagonist to reenact the scene as it should have been, giving her the opportunity to do it over.

The director might also assist the protagonist in exploring current or recurring situations in the protagonist's life. The protagonist examines the feelings that arise during the situation or event as well as the source of those feelings. This provides the opportunity, psychodramatically, for the protagonist to investigate other ways of dealing with the situation. In addition, through psychodrama, the protagonist can explore future events, events that might or might not happen, and rehearse the myriad ways available to respond.

As the protagonist explores aspects of her own life, she gains greater insight about who she is and why she is the way she is. She examines the psychological blocks that prevent her from communicating effectively and connecting with the people in her life. No matter what issue she explores, "[t]he goal of psychodrama is to discover the emotional truth of the protagonist, allowing the protagonist to gain insight, self-awareness, enlightenment and illumination—in essence, a deeper and richer understanding."3 This insight is often therapeutic and helps the protagonist make emotional or behavioral changes. The power of psychodrama lies in the fact that the insight comes through action rather than through intellectual analysis or understanding. The participant holds the insight in her body as well as in her mind. Ultimately, the work that a protagonist does can translate into the ability to better connect with those in the courtroom whom the lawyer hopes to persuade.

^{3.} Dana Cole, "Psychodrama and the Training of Trial Lawyers: Finding the Story," N. Ill. U. L. Rev. 21, 1 (2001): 8.

WARM UP

A psychodrama director begins a session through a "warming up" process in which she helps the group select an issue and protagonist. During the warm-up, the director engages in a series of exercises. These exercises facilitate the director getting to know the members of the group, and the group members getting to know each other. The warm-up also serves to increase energy levels and reduce anxiety by physical movement; to develop trust within the group; to aid the group in identifying the themes or interests in the group; and to select the protagonist.

Example

[A group of ten people are sitting in a circle in chairs.⁴]

DIRECTOR: Good morning. I am really happy to be here with all of you. I know some of you but I don't know everyone. My name is Linda Cole and I'm a psychodramatist. I have been working with groups using psychodrama for about twelve years now.

That word—*psychodrama*—sounds a lot scarier than it really is. Psychodrama is simply the exploration of the truth through dramatic means. So, we will be exploring your truths, your stories, by acting them out.

But before we get started, let's find out who is here today.

Why don't we stand up and push our chairs back. Let's form a circle.

[The group does as directed.]

Great.

^{4.} In the examples throughout this book, with the exception of the real cases used for the opening statement and closing argument examples, the names and situations are fictitious. Similarities to actual events or individuals is purely coincidental.

I know I always have a lot of curiosity when I start a group, about who folks are, what we have in common. Am I alone?

GROUP MEMBER: No.

GROUP MEMBER: Me, too. I wonder the same thing.

DIRECTOR: Good. We can discover together. Let's start by each person stepping forward and saying their name and one thing about themselves that isn't obvious from looking at you. I will begin. [Steps forward.] I am Linda Cole and I just became a grandmother last week. [Steps back.]

We don't need to go in any order. Just step forward and speak whenever you are ready.

[Group is silent. Director waits patiently until someone is ready.]

GROUP MEMBER: I am Joseph Hains. I am sixty-seven and just moved here from Michigan.

GROUP MEMBER: My name is Lois Marshall and I have two adult children, but no grandchildren. Yet.

GROUP MEMBER: Hi. I'm Sally Compton and I don't have any children of my own, but I feel like I have a lot of children. [Pause. Group looks at her quizzically.] I'm a first grade teacher. [Laughter.]

GROUP MEMBER: I am Mark Peroset. I am the youngest of ten.

GROUP MEMBER: My name is Abby Leeds. I am twenty-two and just got engaged.

GROUP MEMBER: I'm Marcus Connor. I'm thirty-seven and a nurse. And I just got divorced.

[The process continues until everyone has introduced themselves.]

DIRECTOR: Great. So now we know a little bit about each other. Other than what some of us have shared when we introduced ourselves, I am wondering what else we might have in common.

We are now going to do an exercise to discover some of the things we might have in common. How this works is, if you have a curiosity about the group, about whether anyone has something in common with you, step forward into the circle and share something about yourself that you are wondering if anyone else shares. Let me give you an example. [Steps forward into the circle.]

I was in a car accident in college and have a screw in my right wrist.

If you have been in an accident or have any metal in your body, you would now step forward into the circle. We don't need to discuss what the commonality is; just step forward if you have this in common with me.

[Two people step forward.]

When people step forward and join you, just look to see who shares whatever you have put forward.

[Looking at the people who have stepped forward.]

Good, I am not alone.

Now, we all step back and someone else can put something they are curious about out there.

Does everyone understand how this exercise works?

[Group acknowledges that they do.]

Let's begin.

[Pause. Group is thinking. Finally someone begins.]

SALLY: [Stepping forward.] I served in the military for five years.

[Two group members step forward. Sally looks around to see who has joined her and then the three of them step back, rejoining the large circle.]

Lois: [Steps forward.] My son is serving in Iraq right now.

[Four group members step forward.]

Joseph: I served in Vietnam.

JOHN: My parents are both deceased. I am an orphan.

[Three other group members step in. They acknowledge each other and step back.]

Mark: [Stepping in.] My mom died last year. I never knew my dad.

ABBY: My dad just got diagnosed with cancer. [She begins to tear up.]

JOSEPH: [Stepping forward.] I lost my wife to cancer three years ago.

[The process continues until the group exhausts their curiosities or the director concludes the group has begun making connections and are getting to know each other.]

DIRECTOR: We learned quite a bit about each other and about what we have in common through that exercise. Let's move on to another exercise.

I want everyone to take a moment and tune in to themselves. Feel free to close your eyes if that helps.

Feel your breath come in and out of your body. Relax your shoulders. Shake out your hands a bit.

Mill around the room aimlessly.

[The group starts to walk around the room.]

DIRECTOR: Walk in the spaces between people.

[The director lets the group mill a bit.]

DIRECTOR: Tune in to yourself. Don't make contact with other members of the group.

Tune in to what is going on in your heart, to what is weighing on you or what is on your mind.

Let your mind take you wherever it wants to go.

Keep milling, and keep breathing.

As you are milling, let the people in your life come to mind. We all have many relationships in our lives. Some more important than others. Some more meaningful than others.

Parents, spouse, siblings, children, friends, coworkers. Many, many relationships.

As these people come to mind, let your feelings for them bubble up and come to the surface. Let your heart guide you. Don't try to control your emotions, just feel them.

Life being what it is, sometimes we have unfinished business with people. A bone to pick. A regret. Someone we didn't say thank you to. Unfinished business can be anything. Something that is incomplete with that person or that relationship. Let your intuition guide you and draw you to one of those people.

You may be drawn more toward one particular person, to a person you want to get completion with or get something off your chest. Trust your heart on this. Let it guide you. There is no right or wrong answer.

Ultimately, let your heart guide you to one person over the others. Trust your intuition.

When you know who that person is, come back to the circle. Take your time.

[The director watches the group members who are milling. Some come back to the circle pretty quickly, others take more time. The director doesn't rush the process. She lets it unfold naturally.]

SELECT THE PROTAGONIST

Usually the group members select the protagonist, but sometimes the director does. For example, the director can ask the group to tune in to what they are feeling in the moment. After each member has tuned in, they share with or disclose their feelings to the group. From this expression, the director may discover a unifying theme for the group. If, for example, the theme is loss, the director will ask the group to share a loss in their life that feels unfinished to them. After each member shares their particular loss with the group, the group and/or the director selects a protagonist that can best help the group work through this common theme.

Example

DIRECTOR: Now that everyone is back in the circle, I want each of you to share with the group who the person is that you have centered on and what your relationship is with that person. We don't need to go in order. Just speak as you are moved to speak. [Pause.]

ABBY: I'll go. Mine is . . . [she begins to tear up]. I'm sorry.

[The director hands her a tissue.]

Авву: Thank you. Mine is my dad.

Joseph: Jane. My wife.

Mark: My twenty-one-year-old son.

Lois: My son in Iraq.

SALLY: Mine's not sad. Is that okay?

DIRECTOR: Of course. There is no right or wrong answer. No judgment.

SALLY: I want to thank a teacher I had in high school.

DIRECTOR: Perfect. Thank you, Sally.

Helga: I have a few words for my former boss. [Laughter.]

TRISTAN: Does it have to be a human and do they have to be alive?

DIRECTOR: No, not at all.

TRISTAN: Okay. Mine is my dog, Jack. We had to put him down a couple of months ago.

MARCUS: [Clearing his throat.] The baby I lost when I was nineteen.

JEREMY: My wife.

DIRECTOR: Thank you, everyone, for sharing. I hear a common theme in this group. I am feeling a lot of loss in the room.

[The group members look at each other and the director. Some nod,

others take a deep breath. Nonverbally the group acknowledges the director's observation.]

DIRECTOR: Before we get into action, we need to talk about confidentiality. Everything that is shared in this group, stays in the group. We have to keep the things we share with each other in this group confidential. It is not okay to leave this group and share with someone outside the group what has been shared by members when they were in this group. For example, it would not be all right to leave the group and say to a friend, "You will never believe what Marcus told us today in our psychodrama group." You can share what you learned about yourself with people outside the group, but you are not at liberty to share information you have learned about your fellow group members in any way.

Does everyone agree to honor the confidentiality of the other members of the group?

GROUP MEMBER: Yes. Of course.

GROUP MEMBER: That is only right.

[The director continues to go around the circle to get a verbal agreement from all group members.]

DIRECTOR: Good. Thank you. Confidentiality is very important to our work together. Okay. Everyone has shared the identity of a person with whom they have unfinished business of some sort. And from what you shared, it sounds like most of them involved a loss of some kind. For those of you who would like to further explore what is going on with you at this moment, please step forward.

[Pause. Silence in the group. The director waits patiently. Two people step forward. The director waits a little longer to give everyone a chance to step forward if they want to work.]

DIRECTOR: Anyone else?

[A third person steps forward.]

DIRECTOR: Three people have stepped forward indicating that they are interested in working today. Abby, Joseph, and Marcus. Thank you.

Abby, your unfinished business is with your dad?

ABBY: Yes.

DIRECTOR: Joseph, you want to talk to your wife?

Joseph: I do.

DIRECTOR: And Marcus, your unfinished business is with the baby you lost when you were nineteen?

Marcus: Um hmm.

DIRECTOR: Will each of you share a little bit more about your unfinished business with the group?

Joseph: I'll go first. My wife died three years ago of cancer. I never got to thank her for everything she did for me. She was a great wife and I never told her how much I appreciated her. I regret that and wish I would have told her. But it is too late. She's gone.

DIRECTOR: That's the magic of psychodrama, Joseph. On the psychodrama stage, you can talk to her again.

JOSEPH: Oh. [Nodding his head.] I would like that.

ABBY: I need to talk to my dad. I'm afraid he is going to die. [She starts crying again.] I feel guilty. [Abby looks down and fights back her emotion. It is hard for her to speak.]

DIRECTOR: [Moves to stand next to and slightly behind Abby.⁵] This is hard to talk about.

Авву: Yes, it is. I feel so guilty.

DIRECTOR: I feel guilty that I . . .

^{5.} This is the doubling position. The technique of doubling is discussed in detail in chapter 4.

ABBY: I feel guilty that I'm angry at my dad.

DIRECTOR: I'm ashamed that I'm angry at my dad when he has cancer.

ABBY: I am ashamed. What kind of person gets mad at their parent who has cancer? For getting cancer. [She blows her nose.] But I blame him for getting cancer. If he would have quit smoking when us kids begged him to, he wouldn't have cancer.

DIRECTOR: This didn't have to happen.

Авву: No, it didn't.

DIRECTOR: [Steps back to the circle.] Thank you, Abby. I know it is hard to share those feelings.

[Pauses. Looks at Marcus, whose arms are crossed and head is down. He is not making eye contact with anyone.]

DIRECTOR: [After several seconds.] Marcus?

Marcus: Damn, this is hard.

[Group is silent. Focused on Marcus.]

Marcus: Like I said. I lost a baby when I was nineteen. [Silence. Marcus rubs his hand over his head. He shifts his weight from foot to foot. Eventually he puts his hands in his back pockets and looks up at the ceiling.] It was a boy. [Pause.]

DIRECTOR: Can you say any more, Marcus?

MARCUS: The baby didn't just die because it was sick or anything. [Pause.] My girlfriend had an abortion.

[Silence in the group.]

DIRECTOR: That was pretty hard to share.

MARCUS: Yeah. You all probably think I'm a baby killer.

DIRECTOR: You must feel pretty alone, like everyone is judging you.

Marcus: [Nods his head.]

DIRECTOR: [To group.] If you can relate to how Marcus is feeling, have had a similar experience, or know what it feels like

to be alone or that folks are judging you, put your hand on Marcus's shoulder.

[The group members come forward and put their hands on Marcus's shoulders.]

DIRECTOR: Look around, Marcus, and see who has their hands on your shoulders. [He does.]

How does it feel to know you aren't alone?

Marcus: [Looking around at the group members. Tears come to his eyes.] Thanks. Thank you. I appreciate it. [Lets out a deep breath.] That feels better.

The Group Selects the Protagonist

DIRECTOR: Okay. Everyone step back into the circle except for Abby, Joseph, and Marcus. The three of you stay in the center of the circle, but put some space between yourselves.

Those of you on the outer circle, let your intuition draw you to the issue that most resonates with you. If it helps you to walk around and feel the energy as you get close to each of these three folks, Abby, Joseph, and Marcus, feel free to do so.

When you know where you are drawn, put your hand on the shoulder of the person who has expressed an issue that most resonates with you. Abby, Joseph, and Marcus, you should also make a choice. It is perfectly acceptable to choose yourself.

Okay. Make your choice.

[The group mills about and ultimately, each person makes a choice. Abby has four people choosing her issue and she is choosing herself as well. Marcus has three people choosing his issue and he is choosing Abby. Joseph has two people choosing his issue and he is also choosing Abby.]

DIRECTOR: Abby, you have been chosen by the group to be the protagonist of this session. We are going to explore your relationship with your dad, your unfinished business with him. We are going to do that in action.

How do you feel about that?

ABBY: Grateful. But nervous.

DIRECTOR: I'm going to help you. We will all work together.

ACT IT OUT—THE ACTION PORTION

At this point, a space or area (called the stage) for the protagonist to work is established. The director then asks the protagonist to present herself on her stage of life and to enact scenes that are relevant to the issue or problem she is exploring. These scenes can take place in the past, the present, or the future. This part of the session is the action portion, and involves enactment or reenactment of scenes along with role-playing the significant others in the scene.

Example

Director: Abby, you told us earlier that your dad was recently diagnosed with cancer.

Авву: About six months ago.

DIRECTOR: You also told us that you blame him for getting cancer.

Авву: I do.

DIRECTOR: Because he didn't stop smoking?

Авву: Right. We begged him for years to stop.

DIRECTOR: Where does this story begin?

ABBY: Probably back in my childhood. [She pauses, thinking.] Yes, that's the right place to start.

DIRECTOR: How old are you?

Авву: I am about ten.

DIRECTOR: I want to meet ten-year-old Abby. Can we do that?

ABBY: Sure.

DIRECTOR: Pick someone out of the group who can play tenyear-old Abby. Take your time. Look around the group. Who here captures the essence of ten-year-old Abby?

Авву: Do I have to pick a female?

DIRECTOR: No, not at all. There is no gender in psychodrama. Or age, or race, and so on. We all are capable of playing all sorts of roles.

Авву: Okay. [She looks around the group.] Marcus.

DIRECTOR: Join us on the stage, Marcus. You are going to play ten-year-old Abby. Now you don't know her, so Abby will have to give us the information you need to play her ten-year-old self. Your job is to listen and get a sense of who ten-year-old Abby is.

Marcus: All right.

DIRECTOR: [To Abby.] Reverse roles with ten-year-old Abby. [The two—Abby and Marcus—change places.]⁶

[To Abby as her ten-year-old self.] What do you look like?

TEN-YEAR-OLD ABBY: I am about four feet tall. I have blonde hair and blue eyes.

Director: How are you wearing your hair?

TEN-YEAR-OLD ABBY: In pigtails. With pink ribbons.

Director: Is pink your favorite color?

TEN-YEAR-OLD ABBY: Yes.

DIRECTOR: What are you wearing today, Abby?

TEN-YEAR-OLD ABBY: I have on pink shorts and a yellow and pink polka dot T-shirt.

^{6.} The technique of role reversal is discussed in detail in chapter 4.

Director: Look down at your feet. What are you wearing on your feet?

TEN-YEAR-OLD ABBY: White tennis shoes with white anklet socks that have pink ribbon on the edge.

DIRECTOR: Is it summertime?

TEN-YEAR-OLD ABBY: Yes. And we are going to the fair.

DIRECTOR: Does the scene you want to show us take place at the fair?

TEN-YEAR-OLD ABBY: Uh huh.

The director continues the action by setting the scene⁷ and introducing the other people who are important to the scene. Because Abby's father is a very important person and is actively involved in the scene, the director instructs Abby to choose a group member to take on the role of her father. She takes sufficient time to explore that role using the tool of role reversal (as is demonstrated above with Abby reversing roles with her tenyear-old self)⁸ so we get to know Abby's father and see what his relationship was like with his ten-year-old daughter. After introducing the players, the director will put the scene into action. We pick up the action midway through the scene. Abby and her father have gone off to ride the roller coaster, just the two of them. Her mother and two younger sisters have chosen to enjoy some other activity. Abby doesn't know where they are. She and her father have just ridden the roller coaster.

DIRECTOR: Abby, show us what happens after you and your father get off the roller coaster.

TEN-YEAR-OLD ABBY: I am holding my dad's hand and laughing. "Daddy, let's go again. Please? Can we go again? Come on, Daddy, let's go again!"

DIRECTOR: Reverse roles.

^{7.} For a detailed discussion of scene setting and an example of the process, see chapter 4.

^{8.} For a detailed discussion of the tool of role reversal, see chapter 4.

JOSEPH [who has been enrolled as Abby's father, is now in the role of ten-year-old Abby]: "Daddy, let's go again. Let's go again!"

Abby (As her father): [He begins coughing continuously, bending over and grabbing his chest. He continues to cough.]

DIRECTOR: Reverse roles.

JOSEPH (AS FATHER): [Coughing continuously, bending over and grabbing his chest. He continues to cough.]

Ten-Year-Old Abby: [Screaming] DADDY, DADDY! WHAT'S WRONG?

DIRECTOR: Reverse roles.

JOSEPH (AS TEN-YEAR-OLD ABBY): [Screaming] WHAT'S WRONG! DADDY! DADDY!

Abby (As her father): [Falls to the ground. First landing on his knees and then collapsing onto his back.]

DIRECTOR: Reverse roles.

JOSEPH (AS FATHER): [Falls to the ground as he has seen Abby act out.]

TEN-YEAR-OLD ABBY: DADDY! GET UP! DADDY! [Abby tries to pull her father up by his hand but can't raise him.]

The action continues with the director guiding Abby to act out the scene. Abby continues screaming and tries to raise her father by pulling repeatedly on his arm. He doesn't get up. Abby doesn't know where her mother and two younger sisters are. She frantically looks around but doesn't know anyone. No one in the crowd is paying attention to Abby's needs though most people are gathered around watching what happens.

Eventually, the roller coaster operator gets on his walkie-talkie and calls for help. The paramedics rush onto the scene wheeling a gurney and carrying medical kits and, according to ten-year-old Abby, "some blue box that looks like a small suitcase." They cut open Abby's father's shirt and hook "some wires" up to his chest. Ten-year-old Abby doesn't know it, but her father has had a heart attack.

Abby watches while the paramedics use a defibrillator on her father. Her father's body jerks violently. After that he doesn't move. His face is pale and somewhat gray. They shock him again. Abby is scared, confused, and doesn't know what is going on. Is her father dead? She is all alone. She doesn't know where her mother is and has no way to contact her. No one comforts Abby. The crowd pretty much ignores her. The roller coaster operator has his arms out to the side, keeping Abby away from her father, away from what is happening. The paramedics start an IV, put some tubes in her father's nose, load him onto the gurney, and wheel him away. As the crowd disperses, Abby is left standing alone with the roller coaster attendant, who instructs her to sit on a chair. She doesn't know what else to do so she does what she is told. Abby sits, in shock, stunned, confused, helpless, and lost, with tears running down her face. She hears the roller coaster operator call security and report a lost child.

The scene at the fair provides background information to the group that is necessary for them to understand Abby's story and why she is angry at her father. Enactment of this scene further warms up Abby to the feelings she had in the moment. Fear, panic, terror, confusion, helplessness. The director helps her access and express the full range of her feelings.

After completing this scene, the director may then guide Abby in acting out the scene where she learns of her father's diagnosis, exploring her feelings at that time. Through role reversal, Abby will have the opportunity to explore the role of her father at the time of his diagnosis, giving her insight and understanding into how he felt when he learned he had cancer.

Aвву (As Her FATHER): I heard the word, "cancer." I was in shock. It must be a mistake. I asked him again. "What did you say?" He said "You have cancer, Mr. Leeds." Cancer?

DIRECTOR: Let us hear your soliloquy, the internal monologue going on inside you.

ABBY (AS HER FATHER): I'm scared. I don't want to die. Cancer? How long do I have? I have three beautiful daughters and a

wife and they need me. Why the hell didn't I quit smoking years ago? I can't let my family see how scared I am. Jesus, Abby gets married in a few months. I'm not going to miss her wedding. I have to put on a good front. It's going to be okay. I'm going to be okay. My father died when I was young. When I still needed him. I don't want to do that to my girls. I'm scared.

Ultimately, the action portion will include an encounter between Abby and her father where she will express her unfinished business with him, where she will have a chance to speak to her father about what is in her heart and mind. About her anger and her guilt.

DIRECTOR: Abby, you wanted to talk to your father. You have unfinished business with him. Here he is, speak to him.

ABBY: I— I don't want to hurt you, Dad, but I'm pretty angry at you. [Silence. She fights back tears, looks down at her hands and picks at her fingers.]

DIRECTOR: Tell your father more about your anger, Abby.

ABBY: [She lets out a deep breath.] Damn it, Dad! Why didn't you quit smoking years ago when you had the heart attack? Do you have any idea what that was like for me? [She begins to cry.] I thought you were dead. When they took you away I thought I would never see you again. I was only a little girl and I was so scared. Did you even think about how that affected me? [Abby looks at her father, waiting for him to answer.]

DIRECTOR: Reverse roles.

JOSEPH (AS ABBY): What were you thinking, Dad? Were you thinking?

Авву (As нег father): I don't know what to say, Abby. I know I'm sorry isn't enough. [Pause.] What do you want me to say?

DIRECTOR: Reverse roles.

JOSEPH (AS FATHER): What do you want me to say?

ABBY: Something. Anything. Tell me why! Why did you keep smoking? We begged you and pleaded. We cried. Did you want me to go through something like what happened at the fair again? Do you have any idea how many times I would get up at night to go into your room and check to make sure you were still there and still breathing?

During the encounter, the director will help Abby go deeper into her feelings, giving her an opportunity to express them fully, and giving her the opportunity to see herself through the eyes of her father and to see the situation from his point of view. The issue may not get resolved during this session, but it is the beginning of the exploration. Through the process, Abby will gain some insight, awareness, and understanding of her own feelings and those of her father. This insight can help her in future interactions with her father and may improve her relationship with him.

At some point, to conclude the action portion of the psychodrama, the director will instruct Abby to have her last words with her father, for now.

DIRECTOR: Abby, have your last words with your father, for now.

ABBY: I know you did the best you could, Dad. That you tried to quit smoking many times. I didn't realize how hard it was for you. I'm sorry I have been so distant and angry. [Pause.] I'm just scared of losing you. I need you in my life. I am still learning and have so much more to learn from you. I don't want you to die. I need a father. I want my children to know their grandfather. I need to get past my anger so I can make the most of the time we have left. I'll keep working on that, Dad. You can't die. I need you. [She gets up and goes over and hugs her father.] I love you, Dad. [She begins sobbing.]

DIRECTOR: Good. Let it out. It hurts. [The director lets Abby cry for a while.]

DIRECTOR: Reverse roles.

Joseph (As Abby): [Hugs Abby as her father and cries.] I love you, Dad. I need you.

Abby (as her father): I'm still here, baby. I love you, too. [Director lets the two embrace for a while.]

DIRECTOR: Reverse roles. [They do and embrace. Abby is back in her own role.]

JOSEPH (AS FATHER): I'm still here, baby. I love you, too.

[After embracing for a while, Abby breaks the embrace and dries her eyes with the tissue that she has been holding. She gets a new tissue and blows her nose.]

Авву: [To the director] Thank you.

DIRECTOR: You are more than welcome.

SHARE AFTER THE ACTION—CONNECT WITH THE GROUP

Finally, at the conclusion of the action portion, the director guides the group in post-action sharing. This portion of the session involves group members sharing with the protagonist how they relate, based on experiences from their own life, to the work of the protagonist. This is not a time for analysis of the protagonist or the issue explored, for advice giving, or for questioning of the protagonist. Through this process, the protagonist is integrated back into the group.

Example

DIRECTOR: Let's all bring our chairs over and form a circle. Abby, sit here next to me. Everyone, gather around.

[The group re-forms their circle.]

DIRECTOR: Abby has just shared a deep part of herself with us. She has trusted us and opened up her heart, sharing her feelings. Now it is time for us to share with Abby how we relate, in our own lives, to what she has shared. This is not the time for advice giving, analysis of Abby or her father, or a time to ask questions. It is the time for us to connect with Abby's

story and share with her how it touched us in our own lives. [Looks at Abby.] Abby, thank you. This is the time for you to hear from your fellow group members. You don't have to do anything but sit here and soak in what they share with you.

Joseph: Thank you, Abby. Your story really made me think about my wife and how much I miss her. It is so hard to love someone so much but not tell them how you are feeling. My wife used to always be on my back because I'm not a very touchyfeely type guy. I kept a lot inside. I regret that now. You are so lucky because you still have time to tell your dad how you feel and to enjoy time with him. I didn't make enough time for my wife in her last months. I think I was avoiding the whole situation because I was scared. I'm happy for you that you can do it differently than me.

Helga: Your story reminded me of my relationship with my former boss in a weird way. It's obviously not the same because he didn't die and he isn't sick. At least not that I know of. About a year before I quit, he was acting very different than how he used to act. He wasn't as friendly as he used to be and he always seemed angry. He kept dumping work on me, making me work nights and weekends. I even had to cancel a long-planned vacation because he didn't let me know the deadline on a project until it became an emergency. I got so angry that after that project was finished, I gave my two-week notice. I just couldn't take it anymore. What I learned from what you shared is that we often don't know what is going on with someone and don't know why they do or don't do some things. I need to be more willing to talk to people I care about and not overreact. I should have talked to my boss and tried to find out what was going on. Maybe he was having a family crisis or was sick. I don't know.

Marcus: Your story is my story. When my girlfriend had the abortion, I was so angry with her. She didn't even consult me on the decision. One day told me she was pregnant, and the next week she told me she had "taken care" of things. At first I

didn't understand. So I asked her, "What do you mean?" She said, "I had an abortion. What did you want me to do?" I was angry and hurt. I mean, we were too young to be parents but damn, she should have included me in the decision. It wasn't fair. I was the father. I have carried that anger with me for all these years. I think it got in the way of our relationship too. When I said at the beginning of our session that I have just gotten divorced, well she and I did get married about a year after the abortion. But I never let go of my anger. I think I punished her with my anger all these years. The saddest part is that we never had any children. That was by my choice, not hers. It all just became too much for me. What a waste of time that anger was.

The sharing continues until all group members have had the opportunity to share with the protagonist. The protagonist, by hearing from her fellow group members, does not feel alone after revealing so much about herself, by being vulnerable. The sharing by the group reintegrates the protagonist into the group and reconnects her with her fellow group members. "When the audience members share what came up for them with the protagonist, it also reduces the isolation of the protagonist, reconnects the protagonist through support and identification, and allows new connections to be made."

The main difference between psychodrama and other therapeutic approaches is the protagonist and the group confront their conflicts and psychological pain in a setting that more closely approximates their real-life situation. Psychodrama can produce great insight that often results in positive behavioral change in the person's real-life situation, thereby improving and enhancing their relationships and enjoyment of life.

The work Abby did concerning her anger at her father gives her insight into what is truly important in her life—her relationship with her father—and making the most of the time they have left together. From the exploration she did on the psychodrama stage, Abby has a new appreciation for her father, what life has been like

^{9.} Dayton, The Living Stage, 18 (see Introduction, n. 5).

for him, how he feels about having cancer, and as a result, she plans to change her behavior toward her father. Now that she has an awareness of what her anger is about and where it comes from, she is in a better position to act differently, to change her behavior. Reenacting the scene at the fair, being in the role of her father, and seeing the situation through his eyes gives Abby new information that she wasn't aware of previously. Her anger will no longer control her, or at least she will recognize it for what it is. As a result, she will be more able to let go of her anger and improve her relationship with her father. By doing so, Abby is likely to experience greater enjoyment of and satisfaction in her life.

Similarities Between the Traditional Psychodrama Session and Trial

Trials, like psychodrama sessions, also have five elements, which parallel or correspond to the elements of a psychodrama:

- 1. The courtroom/The stage.
- 2. Your client/The protagonist.
- 3. The jury/The audience or group.
- 4. The witnesses/The auxiliaries.
- 5. You, the lawyer/The director.

In both, the focus is on the story; in a psychodrama it is on the protagonist's story, and in a trial the focus is on the client's story. In the courtroom, you serve as the director and direct the client and the witnesses (friendly and hostile) in telling the client's story to the jury. The warm-up is jury selection. The action portion is the presentation of evidence. The post-action sharing is jury deliberation and the verdict.¹⁰

^{10.} In a traditional psychodrama training session, there is also a portion of the session in which the group discusses the choices made by the director in directing the psychodrama. This is called "processing" and comes after the "sharing" portion. Processing will be discussed further in the last chapter.

GAIN PSYCHODRAMA EXPERIENCE

You can use this book as a starting point for your education in psychodrama to familiarize yourself with its tools and techniques. It is not, however, a substitute for psychodrama training. Through training, you will learn important foundational aspects of psychodrama, its theory and philosophy, and will be exposed to and experience the various tools and techniques used in a traditional psychodrama session. This background will serve you well and increase your ability to use these tools with your clients and prepare their cases for trial.

Participating in psychodrama workshops provides the opportunity to experience the role of the protagonist; gain insight, awareness, and greater understanding of the self; and begin learning about the important dynamics and power of groups. Many workshops also offer participants the opportunity to explore the roles of director and auxiliary and learn, in a safe setting guided by experienced trainers, how to use and apply the tools of psychodrama when working with others. As with most things in life, your skill and dexterity in using this method will improve with training, practice, and experience.

The more you learn about and experience traditional psychodrama, the more skilled you will become in applying this method to your practice as a trial lawyer.¹¹

^{11.} A list of resources and references, including several books on classical psychodrama, can be found in the bibliography at the end of this book.